

ESTTA Tracking number: **ESTTA481804**

Filing date: **07/05/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	SAFER, INC.
Granted to Date of previous extension	07/04/2012
Address	69 NORTH LOCUST STREET LITITZ, PA 17543 UNITED STATES
Attorney information	Marsha G. Gentner JACOBSON HOLMAN PLLC 400 - 7th Street, N.W.6th Floor Washington, DC 20004 UNITED STATES trademark@jhip.com, mgentner@jhip.com Phone:202-638-6666

Applicant Information

Application No	85292701	Publication date	03/06/2012
Opposition Filing Date	07/05/2012	Opposition Period Ends	07/04/2012
Applicant	Critter Ridders, LLC 1866 Summitview Dr. St. Charles, MO 63303 UNITED STATES		

Goods/Services Affected by Opposition

Class 037. First Use: 2011/01/01 First Use In Commerce: 2011/01/01
All goods and services in the class are opposed, namely: Pest control services; Animal control services in the nature of trapping and capturing

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2882476	Application Date	08/01/2002
Registration Date	09/07/2004	Foreign Priority Date	NONE
Word Mark	CRITTER RIDDER		

Design Mark	CRITTER RIDDER
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2004/03/00 First Use In Commerce: 2004/03/00 ANIMAL REPELLENTS

Attachments	76437050#TMSN.gif (1 page)(bytes) i6565.nop_20120705153641.pdf (4 pages)(150558 bytes) i6565.att_20120705153707.pdf (3 pages)(105140 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Marsha G. Gentner/
Name	Marsha G. Gentner
Date	07/05/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SAFER, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
CRITTER RIDDERS, LLC.)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of application to register a trademark under the Trademark Act of 1946, Serial No. 85/292,701, for the mark CRITTER RIDDERS (Stylized) and Design, filed April 12, 2011, in the name of Critter Ridders, LLC, published for opposition in the TRADEMARK OFFICIAL GAZETTE of March 6, 2012, Vol. 1376, No. 1, at page TM 1034, the Opposer, Safer, Inc., believes it will be damaged by registration of said alleged trademark and hereby opposes same. The grounds for opposition are as follows:

1. The Opposer, Safer, Inc., is a corporation duly organized and existing under the laws of the state of Delaware and having a place of business at 69 North Locust, Lititz, Pennsylvania 17543. Since long prior to the filing date of the application opposed herein, Opposer has manufactured, distributed, advertised for sale and sold, *inter alia*, a variety of lawn, garden and pest control products, including animal repellants.

2. Since prior to the date of first use alleged in the application opposed herein, Opposer Safer, Inc. has, and is now, engaged in the production, advertisement, marketing, distribution and sale of animal repellant products in commerce under and in connection with the mark **CRITTER**

RIDDER. Since prior to the date of first use alleged in the application opposed herein, Opposer continuously has used said Opposer's **CRITTER RIDDER** mark in commerce in connection with its products advertised, offered, marketed, distributed, and sold by Opposer, and to identify and designate same, and to distinguish those goods, and Opposer's business, from those of others.

3. Opposer is the owner of, and will rely on herein, U.S. trademark registration no. 2,882,476, issued September 7, 2004, for its **CRITTER RIDDER** mark. Said registration is valid and subsisting and constitutes conclusive evidence of Opposer's ownership of its **CRITTER RIDDER** mark, and exclusive right to use same in commerce in connection with the goods set forth in said registration. Attached hereto is the printout of information from the electronic database records of the U.S. Patent and Trademark Office showing the current status and title of this registration.

4. On April 12, 2011, Applicant filed an application to register the mark **CRITTER RIDDERS** (Stylized) and Design. Said application was accorded serial no. 85/292,701, and was published for opposition in the OFFICIAL GAZETTE of March 6, 2012, at page TM 1034, identifying the services as "pest control services; animal control services in the nature of trapping and capturing."

5. The **CRITTER RIDDERS** (Stylized) and Design mark sought to be registered by Applicant is virtually identical to, confusingly similar to, and a colorable imitation of, Opposer's prior and aforesaid **CRITTER RIDDER** mark.

6. On information and belief, the services identified in the application opposed herein are similar and/or related, to the goods in connection with which Opposer uses Opposer's **CRITTER RIDDER** mark, and are and/or will be sold and/or offered through the same and/or similar channels

of trade, and/or to the same general class of purchasers, in and to which Opposer's products are marketed and/or sold.

7. The registration and/or use of the CRITTER RIDDERS (Stylized) and Design mark set forth in the opposed application is likely to cause confusion, mistake, and/or to deceive as to origin, sponsorship, and/or association of Applicant's services sold under the mark sought to be registered by Applicant vis-a-vis Opposer and/or Opposer's **CRITTER RIDDER** mark, and/or to mislead purchasers of Applicant's services and/or Opposer's products, and/or the public in general, into believing that Applicant's services emanate from, and/or in some way, directly or indirectly, are associated with Safer, Inc., and/or Opposer's **CRITTER RIDDER** mark and/or Opposer's goods, or business, or vice versa, to the damage and detriment of Opposer.

8. If Applicant is granted registration on the application opposed herein, and Applicant obtains such rights as conferred under the Principal Register of the Trademark Act of 1946, Applicant will obtain unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946, to the detriment and harm of Opposer.

WHEREFORE, this Opposer, Safer, Inc., believes and alleges that it will be damaged by registration of Serial No. 85/292,701, as aforesaid, and prays that:

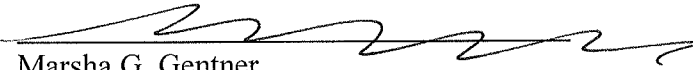
- A. judgment in the present opposition be entered in favor of Opposer;
- B. the present opposition be sustained; and

C. registration of application serial no. 85/292,701 be rejected and refused.

Respectfully submitted,

SAFER, INC.

By:



Marsha G. Gentner
JACOBSON HOLMAN PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

Date: July 5, 2012

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of July, 2012, the foregoing Notice of Opposition was served, by mailing same first class and postage prepaid, on the following correspondent as set forth in the records of the U.S. Patent and Trademark Office:

Annette P. Heller
Heller & Associates
Suite 400
400 Chesterfield Center
Chesterfield (St. Louis), Missouri 63017



Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-07-05 14:55:01 ET

Serial Number: 76437050 Assignment Information Trademark Document Retrieval

Registration Number: 2882476

Mark (words only): CRITTER RIDDER

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2009-12-13

Filing Date: 2002-08-01

Transformed into a National Application: No

Registration Date: 2004-09-07

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: L50 -TMEG Law Office 105

Date In Location: 2009-12-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Safer, Inc.

Address:

Safer, Inc.
69 North Locust Street
Lititz, PA 17543
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 005
Class Status: Active
ANIMAL REPELLENTS
Basis: 1(a)
First Use Date: 2004-03-00
First Use in Commerce Date: 2004-03-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-12-13 - Section 8 (6-year) accepted & Section 15 acknowledged

2009-12-13 - Case Assigned To Post Registration Paralegal

2009-12-02 - TEAS Section 8 & 15 Received

2004-09-07 - Registered - Principal Register

2004-06-14 - Allowed for Registration - Principal Register (SOU accepted)

2004-06-02 - Assigned To Examiner

2004-05-15 - Statement Of Use Processing Complete

2004-05-03 - Use Amendment Filed

2004-05-13 - Case File In TICS

2004-05-03 - PAPER RECEIVED

2004-03-22 - Extension 2 granted

2004-03-09 - Extension 2 filed

2004-03-09 - PAPER RECEIVED

2003-08-04 - Extension 1 granted

2003-05-29 - Extension 1 filed

2003-05-29 - PAPER RECEIVED

2003-04-01 - NOA Mailed - SOU Required From Applicant

2003-01-07 - Published for opposition

2002-12-18 - Notice of publication

2002-10-31 - Approved For Pub - Principal Register

2002-10-29 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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